

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10468-GAO

FILED  
IN CLERKS OFFICE  
2005 FEB -4 P 4:57  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

ANTHONY BAYAD,

*Plaintiff,*

v.

JOHN CHAMBERS, *et al.*,

*Defendants.*

**AFFIDAVIT OF BRUCE E. FALBY**

I, Bruce E. Falby, depose and says as follows:

1. My name is Bruce E. Falby. I am a partner at the law firm DLA Piper Rudnick Gray Cary US LLP. I represent the defendants in the above-captioned matter.
2. On December 23, 2004, I spoke to plaintiff Anthony Bayad on the telephone and requested an extension of time for defendants to respond to all outstanding discovery requests until January 21, 2005. Mr. Bayad agreed to the extension of time through that date. Attached hereto as Exhibit A is a letter I sent to Mr. Bayad by United States mail on December 23, 2004, confirming our conversation and the extension of time through January 21, 2005.
3. On January 21, 2005, I served by United States mail on Mr. Bayad the following discovery:
  - a. Defendant Wiese's Responses to Plaintiff's First Set of Interrogatories;
  - b. Defendant Carl Wiese's Responses to Plaintiff's Request for Admissions;

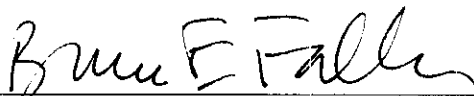
- c. Defendant Savastano's Responses to Plaintiff's First Set of Interrogatories;
- d. Defendant Anthony Savastano's Responses to Plaintiff's Request for Admissions; and
- e. Defendants John Chambers, Anthony Savastano and Carl Wiese's Responses to Plaintiff's First Request for Production of Documents.

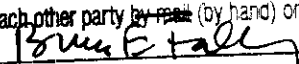
4. Attached hereto as Exhibit B is a true and correct copy of the cover letter dated January 21, 2005 by which I served these responses. In the cover letter, I explained that Mr. Chambers' interrogatory answers and responses to requests for admissions had been delayed and would be served the following week.

5. On January 28, 2005, I served by United States mail on Mr. Bayad Defendant John Chambers' Responses to Plaintiff's Request for Admissions. Attached hereto as Exhibit C is a true and correct copy of the cover letter dated January 28, 2005 by which I served this discovery response.

6. Attached as Exhibit D hereto is a true and correct copy of Defendant John Chambers' Responses to Plaintiff's Request for Admissions.

Signed under the pains and penalties of perjury this 4th day of February, 2005.

  
\_\_\_\_\_  
Bruce E. Falby

CERTIFICATE OF SERVICE  
I hereby certify that a true copy of the above  
document was served upon the attorney of record  
for each other party by ~~mail~~ (by hand) on 2/04/05  
  
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